

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
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UNITED STATES OF AMERICA,

Ind. No. 15-CR-95 (AJN)

-against-

ATTORNEY AFFIRMATION

NICO BURRELL, et al.,
(Dominick Sherland, a/k/a “D-Nick”)

Defendant.

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EDWARD V. SAPONE, ESQ., an attorney duly admitted to practice law before this Court, affirms the following under the penalties of perjury:

1. I am CJA counsel to Defendant Dominick Sherland. My law firm is located at 1 Penn Plaza, Suite 5315, New York, NY 10119.
2. Mr. Sherland is charged by indictment with racketeering, in violation of 18 U.S.C. §1962(d), murder in aid of racketeering, in violation of 18 U.S.C. §1951(a), narcotics offenses, in violation of 21 U.S.C. §§841, 846 and 860, and use of firearms in furtherance of the racketeering enterprise and narcotics conspiracy, in violation of 18 U.S.C. 924(c).
3. This affirmation is submitted in support of Mr. Sherland’s pre-trial motions, dated August 25, 2017, seeking an order: (i) dismissing Count Five on the grounds that it violates the Eighth Amendment right to be free from cruel and unusual punishment; (ii) compelling the government to provide a bill of particulars, in the alternative, that the Court dismiss Counts One, Three, Five and Six of the Superseding Indictment; and (iii) for any additional relief that this Court deems just and proper, or that may become appropriate as a result of information disclosed as a result of this motion or any further proceeding in this case.

4. All of the facts and circumstances described in support of the attached Memorandum of Law are true and accurate to the best of my knowledge based upon: (a) my personal knowledge gained through my review of the case file, and investigations conducted at my request; (b) relevant statutory and case law; and (c) good faith information and belief.

WHEREFORE, Defendant Dominick Sherland respectfully requests that this Honorable Court grant the relief sought in his attached motion papers and any further relief the Court deems proper.

Dated: New York, New York
August 28, 2017

Respectfully submitted,

/s/ Edward V. Sapone
Edward V. Sapone